

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7019**

**BILL NUMBER: HB 1571**

**DATE PREPARED:** Jan 18, 1999

**BILL AMENDED:**

**SUBJECT:** Penalties for murder.

**FISCAL ANALYST:** Mark Bucherl

**PHONE NUMBER:** 232-9869

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that a person who was at least: (1) 16 years of age at the time the person committed murder may be sentenced to life imprisonment without parole; and (2) 18 years of age at the time the person committed murder may be sentenced to death or life imprisonment without parole (LIMP). (Current law allows a person who was at least 16 years of age at the time the person committed murder to be sentenced to death or life imprisonment without parole.)

It specifies that if a person: (1) was less than less than 18 years of age at the time the person committed murder; (2) was sentenced to death for committing the murder; and (3) is awaiting execution of the death sentence, the person's death sentence is commuted to a sentence of life imprisonment without parole.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** This bill eliminates the death penalty for individuals who were less than 18 years of age at the time the individual committed a murder. This bill may effect between one and three offenders at DOC, based on their estimated age when the murder was committed. There are currently 40 persons serving LIMP and 44 persons under the death penalty in Indiana.

The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Local expenditures may decrease if fewer death penalty cases are filed due to this provision. Research indicates that the trial and appeals costs for death penalty cases can be two

to three times more than the current range of \$37,000 and \$90,000 spent to impose prison sentences. (Death penalty case costs are further inflated due to additional police investigation and court time, prosecution resources, or the costs of a lengthy jury trial with a sequestered jury.)

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts; local law enforcement agencies.

**Information Sources:** Planning Division, Department of Correction.